

1 Ryan Gile, Esq.
2 Nevada Bar No. 8807
3 *rgile@weidemiller.com*
4 F. Christopher Austin, Esq.
5 Nevada Bar No. 6559
6 *caustin@weidemiller.com*
7 **WEIDE & MILLER, LTD.**
8 7251 W. Lake Mead Blvd., Suite 530
9 Las Vegas, NV 89128
10 Tel. (702) 382-4804
11 Fax (702) 382-4805

12 Attorneys for Plaintiff

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ALISA APPS

Plaintiff,

v.

JOHN NEWMAN, STEVE BOOKER,
INDIVIDUALS, ISLAND RECORDS, a
United Kingdom corporation, and
UNIVERSAL MUSIC GROUP, INC., a
Delaware corporation

Defendants.

Case No. 2:16-cv-1132

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

JURY TRIAL DEMANDED

Plaintiff Alisa Apps ("Ms. Apps"), by and through her appointed counsel, complains
of Defendants as follows:

JURISDICTION AND VENUE

1. This action arises out of the U. S. Copyright Laws, 17 U.S.C. §501 *et seq.*
2. This Court has subject matter jurisdiction over the action pursuant to 17 U.S.C. § 501(a) and 28 U.S.C. §§ 1331 and 1338.

COMPLAINT FOR
COPYRIGHT INFRINGEMENT

- 1 -

MANN LAW GROUP
1218 Third Avenue, Suite 1809
Seattle, Washington 98101
Phone: 206.436.0900

3. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400 because the Defendants conduct business within this judicial district, they or their agents or affiliates can be found in this judicial district, and acts giving rise to this complaint are believed to have occurred within this judicial district.

PARTIES

4. Ms. Apps is an individual residing in Las Vegas, Nevada.

5. Upon information and belief, Defendant Universal Music Group, Inc. (“Universal”) is a Delaware Corporation with a principal place of business in Santa Monica, California.

6. Upon information and belief, Universal discovers and develops songwriters, and owns and administers copyrights to musical compositions for use in recordings, public performances, and related uses, such as films and advertisements; and sells artist and music branded products through multiple sales points including online, fashion retail, and live performances worldwide, including this judicial district.

7. Upon information and belief, Island Records is a United Kingdom-based corporation that conducts a substantial amount of its business in this district and elsewhere in the United States, and is a wholly-owned subsidiary of Universal.

8. Upon information and belief, during all relevant times, Defendants John Newman (“Newman”) and Steve Booker (“Booker”) were operating in concert with, and under direction from, Island Records and/or Universal.

FACTS

9. Ms. Apps is a professional singer, songwriter, performer, and musician. She has performed her music all over the country including cities within this judicial district.

10. Ms. Apps is the original author of the words and music in the song entitled, “Need to Know,” which she created on or about 2004.

1 **11.** On February 16, 2007, Ms. Apps registered her copyright in the words and
 2 music of “Need to Know” with the United States Copyright Office. A copy of her Copyright
 3 Registration Number PAu003112075 for “Need to Know” is attached hereto as Exhibit A.

4 **12.** On or about January 30, 2008, Ms. Apps published “Need to Know” on the
 5 popular video and music sharing website YouTube.com. “Need to Know” also became
 6 available for purchase on her album *Confusion* on her website alisaapps.com.

7 **13.** Ms. Apps has publicly performed “Need to Know” dozens of times in various
 8 music venues in California and Las Vegas, Nevada throughout 2008 and 2009. In particular,
 9 Ms. Apps performed at least the following venues in California during 2008 and 2009: Aura
 10 nightclub in Studio City, Sutra Lounge in Costa Mesa, Tentation Ultra Lounge in Newport
 11 Beach, and an exclusive event at *Le Belvedere* mansion in Bel Air for Ritz-Carlton developer
 12 Mohamed Hadid. In Las Vegas, Ms. Apps performed “Need to Know” at the Sapphire Pool
 13 Grand Opening in May 2009.

14 **14.** Ms. Apps herself, and consequently her musical catalogue, has been in the
 15 public eye as well, due to at least the following media attention: Cover of *OC Live* magazine
 16 in November 2008, a live interview with MTV in October 2010, as well as at least the
 17 following magazine articles, to be found by the URL's below:

18 a) MTV article by James Montgomery October, 2010

19 ([http://www.mtv.com/news/1649873/lady-gaga-challenged-to-1-million-sing-off-](http://www.mtv.com/news/1649873/lady-gaga-challenged-to-1-million-sing-off-by-la-performer/)
 20 [by-la-performer/](http://www.mtv.com/news/1649873/lady-gaga-challenged-to-1-million-sing-off-by-la-performer/))

21 b) Billboard Magazine interview by Gail Mitchell October, 2010

22 ([http://www.billboard.com/articles/news/953669/alisa-apps-explains-her-lady-](http://www.billboard.com/articles/news/953669/alisa-apps-explains-her-lady-gaga-sing-off-challenge)
 23 [gaga-sing-off-challenge](http://www.billboard.com/articles/news/953669/alisa-apps-explains-her-lady-gaga-sing-off-challenge))

24 c) Glamour Magazine (UK) October, 2010

25 ([http://www.glamourmagazine.co.uk/news/celebrity/2010/10/14/lady-gaga-](http://www.glamourmagazine.co.uk/news/celebrity/2010/10/14/lady-gaga-challenged-to-1million-dollar-singing-contest)
 26 [challenged-to-1million-dollar-singing-contest](http://www.glamourmagazine.co.uk/news/celebrity/2010/10/14/lady-gaga-challenged-to-1million-dollar-singing-contest))

1 **15.** As a result of the extensive advertising, publication, and performances, “Need
2 to Know” has been heard countless times since its publication.

3 **16.** Upon information and belief, one or more of the Defendants had online access
4 to Ms. Apps' work “Need to Know,” through one or more of the above-mentioned sources.

5 **17.** Upon information and belief, one or more of the Defendants had access to Ms.
6 Apps' work “Need to Know” through any one of Ms. Apps' public performances of the work.

7 **18.** Upon information and belief, and without Ms. Apps's knowledge or consent,
8 one or more of the Defendants copied the words, music, and melody of certain portions of Ms.
9 Apps' song “Need to Know” into an internationally-known and commercially successful
10 infringing work “Love Me Again.”

11 **19.** On or about November 2009, Ms. Apps met with Mr. Shawn Corey Carter
12 (“Mr. Carter”), more commonly known as the famous hiphop artist, producer, and
13 entrepreneur “Jay-Z” in what was then known as “The Sports Club/LA” in Los Angeles,
14 California. After a long discussion, Ms. Apps provided Mr. Carter with an audio recording of
15 her song “Need to Know.” She provided this recording to Mr. Carter for his consideration and
16 to engage in a potential business relationship.

17 **20.** On or about January 30, 2010, Ms. Apps met with Mr. Carter at Mr. Clive
18 Davis's pre Grammy celebration in Los Angeles, California. At this meeting, Ms. Apps
19 provided Mr. Carter with another copy of her audio recording of her song “Need to Know.”
20 She provided this recording to Mr. Carter for his consideration and to engage in a potential
21 business relationship.

22 **21.** Upon information and belief, Mr. Carter owns, manages and operates the
23 entertainment company “Roc Nation,” which entered into a partnership with Universal on
24 April 8, 2013.

25 **22.** Upon information and belief, one or more Defendants had access to a
26 recording of Ms. Apps' “Need to Know” by virtue of their professional and personal
27 relationships with Mr. Carter.

1 **23.** Upon information and belief, Defendants released a video playing the
2 infringing work “Love Me Again” on the video sharing site YouTube on May 8, 2013.

3 **24.** Upon information and belief, Defendants released the infringing work “Love
4 Me Again,” in several European countries for digital download on May 17, 2013.

5 **25.** A demonstrative video clip that compares portions of the two works can be
6 found at the following URL and begins at the 1:36 mark:

7 <https://youtu.be/eGvanpz3tVA?t=1m36s>

8 **26.** The success of the infringing work “Love Me Again” catapulted Mr.
9 Newman's career from relative obscurity into one of international success. Upon information
10 and belief, Defendants released the full studio album of Mr. Newman, *Tribute*, on October 14,
11 2013. As a direct and proximate result from the success of “Love Me Again,” *Tribute* has
12 earned widespread commercial success and recognition.

13 **27.** Upon information and belief, the infringing work “Love Me Again” has
14 enjoyed widespread recognition, including but not limited to earning placement on a number
15 of United States *Billboard Music Chart* listings: *US Billboard Hot 100* (No. 30), *US*
16 *Mainstream Top 40* (No. 13), *US Dance Club Songs* (No. 15), and *US Adult Top 40* (No. 13).

17 **28.** Upon information and belief, the infringing work was certified “Platinum” on
18 August 4, 2014, by the Recording Industry Association of America (“RIAA”).

19 **29.** The infringing work “Love Me Again” has enjoyed widespread commercial
20 use, including but not limited to being featured on the soundtrack of the popular video game
21 “FIFA 2014” and in the closing credits of the 2014 science fiction film *Edge of Tomorrow*.
22 The infringing work was also featured on the USA TV series *Suits* in the episode “Buried
23 Secrets,” and in the opening scenes of the episode “One-Two-Three Go.” In addition, “Love
24 Me Again” is a playable song in popular video game “Just Dance 2015.”

25 **30.** Through these uses, and others, the infringing work has generated substantial
26 revenues and recognition for all named Defendants at the expense of Ms. Apps.
27

CAUSE OF ACTION

COPYRIGHT INFRINGEMENT

31. Ms. Apps incorporates the allegations made in paragraphs 1-30 as if fully set forth herein.

32. Defendants have committed copyright infringement under 17 U.S.C. § 501 et. seq., directly, by inducement, or by way of contributory liability, by knowingly aiding, causing, or committing, the unauthorized practice or execution of one or more exclusive rights owned by Ms. Apps set forth in 17 U.S.C. § 106, said exclusive rights having been perfected by U.S. Copyright Registration Number PAu003112075.

33. On information and belief, Defendants' direct and induced infringements are and have been knowing and willful. By this unlawful copying, use, and distribution, Defendants have violated Ms. Apps's exclusive rights under 17 U.S.C. § 106.

34. Defendants have realized unjust profits, gains and advantages as a proximate result of its infringement.

35. As a direct and proximate result of Defendants' direct and indirect willful copyright Infringement, Ms. Apps has suffered, and will continue to suffer, monetary loss to her business, reputation, and goodwill.

36. Ms. Apps is entitled to recover from Defendants, in amounts to be determined at trial, the damages Ms. Apps has sustained and will sustain, and any gains, profits, and advantages obtained by Defendants as a result of Defendants' acts of infringement and Defendants' use and publication of the copied work.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Ms. Apps, prays for the following relief:

A. An order entering judgment in favor of Ms. Apps and awarding damages to Ms. Apps in the amount of Ms. Apps's actual damages and any profits of the Defendants attributable to the infringing acts alleged herein, consistent with 17 U.S.C. § 504(a)(1), or,

1 upon election, an award of statutory damages consistent with 17 U.S.C. § 504(a)(2) together
2 with prejudgment and post-judgment interest;

3 B. An award of full costs and reasonable attorney's fees against Defendants and in
4 favor of Ms. Apps pursuant to 17 U.S.C. § 505; and

5 C. Any and all other legal and equitable relief as may be available under law and
6 which the court may deem just and proper.

7
8 **JURY DEMAND**

9 Ms. Apps demands a trial by jury for all issues so triable.

10
11 Dated this 20th day of May, 2016

12 Respectfully Submitted,

13 **WEIDE & MILLER, LTD.**

14
15 /s/ Ryan Gile

16 Ryan Gile, Esq.

17 F. Christopher Austin, Esq.

7251 W. Lake Mead Blvd., Suite 530

Las Vegas, NV 89128

18 *Of Counsel (pro hac to be submitted):*

19 Philip P. Mann, Wash. Bar No: 28860

20 Timothy J. Billick, Wash. Bar No. 46690

21 **MANN LAW GROUP**

1218 Third Avenue, Suite 1809

22 Seattle, Washington 98101

Phone (206) 436-0900

23 Fax (866) 341-5140

24 phil@mannlawgroup.com

tim@mannlawgroup.com

25 Attorneys for Plaintiff Alisa Apps
26
27

EXHIBIT A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America



Form PA

For a Work of Performance Arts

PAU3-112-075



EFFECTIVE DATE OF REGISTRATION

Month 2 Day 16 Year 07

DATE CONTINUATION SHEET

1

TITLE OF THIS WORK ▼

NEED TO KNOW

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See Instructions

WORDS and Music

2

NAME OF AUTHOR ▼

a ALISA APPS

Was this contribution to the work a "work made for hire"? ☐ Yes ☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of USA
Domiciled in _____

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

1979

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

*Singer songwriter of Song Lyrics & Melody

NAME OF AUTHOR ▼

b

Was this contribution to the work a "work made for hire"? ☐ Yes ☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of _____
Domiciled in _____

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

1982

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

c

Was this contribution to the work a "work made for hire"? ☐ Yes ☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of _____
Domiciled in _____

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

a

2007

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month _____ Day _____ Year _____ Nation _____

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

ALISA APPS
1033 Hilgard Ave #410
Los Angeles, CA 90024

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

REGISTRATION RECEIVED

FEB 16 2007

ONE DEPOSIT RECEIVED

FEB 16 2007

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ▶

• Complete all applicable spaces (numbers 3-6) on the reverse side of this page.
• See detailed instructions.
• Sign the form at line 6.

DO NOT WRITE HERE

Page 1 of 2 pages

*Sound recording registered separately in Class SR.

EXAMINED BY

FORM PA

CHECKED BY

CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ☐ If your answer is No, do not check box A, B, or C.

a. ☐ This is the first published edition of a work previously registered in unpublished form.

b. ☐ This is the first application submitted by this author as copyright claimant.

c. ☐ This is a changed version of the work, as shown by space 6a and 6b.

If your answer is "Yes," give: Previous Registration Number ▼

Year of Registration ▼

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

a

5

See instructions
before completing
this space.

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name ▼

Account Number ▼

a

6

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name / Address / Apt / City / State / Zip ▼

ALISA APPS
1033 Hilgard Ave #410
Los Angeles, CA 90024

b

Area code and daytime telephone number

(310) 966-7925

Fax number

(310) 248-2972

Email INFO@ALISAAPPS.COM

Check only one

- ☐ other copyright claimant
☐ owner of exclusive right(s)
☐ authorized agent of

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

7

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

ALISA APPS

Date

Feb 13, 07

Handwritten signature (s) ▼

✍

x

Alisa Apps

Certificate
will be
mailed in
window
envelope
to this
address:

Name ▼

ALISA APPS

Number/Street/Apt ▼

1033 Hilgard Ave #410

City/State/Zip ▼

Los Angeles, CA 90024

Complete all necessary spaces
Sign your application in space 8

1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

Library of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20558-0000

8

*17 USC § 101: Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in a written statement filed in connection with the application, shall be fined not more than \$2,500.